



# भारत का राजपत्र

## The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

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इस भाग में अलग संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

### MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 25th December, 1997/Pausa 4, 1919 (Saka)

### THE MERCHANT SHIPPING (AMENDMENT) SECOND ORDINANCE, 1997

No. 27 OF 1997

Promulgated by the President in the Forty-eighth Year of the  
Republic of India.

An Ordinance further to amend the Merchant Shipping Act, 1958.

WHEREAS the Merchant Shipping (Amendment) Ordinance, 1997 to further amend the Merchant Shipping Act, 1958 was promulgated by the President on the 26th day of September, 1997;

AND WHEREAS the Merchant Shipping (Amendment) Ordinance, 1997 could not be replaced by an Act of Parliament due to the dissolution of the House of the People;

AND WHEREAS the House of the People has been dissolved and the Council of States is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Merchant Shipping (Amendment) Second Ordinance, 1997.

Short title and  
commencement.

(2) It shall be deemed to have come into force on the 26th day of September, 1997.

Amendment of  
section 89.

**2.** In section 89 of the Merchant Shipping Act, 1958, (hereinafter referred to as the principal Act), after clause (d), the following clause shall be inserted, namely:—

44 of 1958

“(dd) to transmit the complaint of any dispute of a foreign seaman of a vessel, registered in a country other than India, in Indian territorial waters, with the master, owner or agent, to the competent authority of the country of registration and a copy of such complaint shall be forwarded to the Director General, International Labour Organisation office;”.

Amendment of  
section 132.

**3.** In section 132 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

“(JA). Any complaint of dispute, received by the Shipping master from an Indian seaman, on a vessel registered in a country other than India in Indian territorial waters, with the master, owner or agent.”.

Insertion of  
new section  
138A.

**4.** After section 138 of the principal Act, the following section shall be inserted, namely:—

“138A. The ordinary hours of work for all seamen shall not exceed forty-eight hours in a week.”.

Amendment of  
section 369.

**5.** In section 369 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) The Central Government shall on receipt of the investigation report from the court, cause it to be published in the Official Gazette.”.

Amendment of  
section 436.

**6.** In section 436 of the principal Act, in sub-section (2), in the table, after Serial Number 42 and the entries relating thereto, the following shall be inserted, namely:—

1	2	3	4
“42A	If the master or owner contravenes the provisions of section 138A.	138A	Fine which may extend to double the average wages per hour payable to the seaman for working beyond forty-eight hours.”.

Repeal and  
saving.

**7. (1)** The Merchant Shipping (Amendment) Ordinance, 1997, is hereby repealed.

Ord. 19 of  
1997.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Ordinance.

K. R. NARAYANAN,  
*President.*

RAGHBIR SINGH,  
*Additional Secy. to the Govt. of India.*